

UNITED STATES DISTRICT COURT

for the
District of UtahFILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

SEP 29 2017

BY D. MARK JONES, CLERK
DEPUTY CLERKIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)RETAIL SALES INFORMATION MAINTAINED
AT THE WALMART CORPORATION,
702 S.W. EIGHTH ST, BENTONVILLE, AR

Case No. 2:17mj496-DBP

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Western District of Arkansas, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 USC 2113(a)
18 USC 924(c)(1)(A)Offense Description
Bank Robbery
Using, Carrying and Brandishing a Firearm During and in Relation to a Crime of Violence

The application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

DAVID C. ELKINGTON, SPECIAL AGENT, FBI

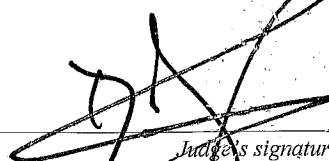
Printed name and title

Sworn to before me and signed in my presence.

Date:

9/29/17

City and state: Salt Lake City, Utah



Judge's signature

DUSTIN B. PEAD, U.S. MAGISTRATE JUDGE

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF UTAH

IN THE MATTER OF THE SEARCH)
OF INFORMATION ASSOCIATED)
WITH:)
)
THE WALMART CORPORATION)
BENTONVILLE, ARKANSAS)
)

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, David C. Elkington, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with the Walmart Corporation and stored at premises controlled by the Walmart Corporation, 702 S.W. Eighth Street, Bentonville, Arkansas 72716 with retail outlets across the United States and multiple foreign countries. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under Rule 41 of the Federal Rules of Criminal Procedure, requiring Walmart to disclose to the government information further described in Attachment B.

2. I am a law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of and make arrests for offenses enumerated in Section 2516 of Title 18, United States Code. I have

been so employed by the Federal Bureau of Investigation (FBI) since 1998. I am currently assigned to the Ogden office of the Salt Lake City Division of the FBI and I am tasked with investigating violent crimes, including bank robbery. As a Special Agent with the FBI, I have participated in investigations involving violent crimes, drug trafficking organizations, counterterrorism, and crimes in the Indian Country. Through my experience in those respective investigative disciplines I have been involved in the search, seizure and handling of physical, digital, electronic and financial evidence of criminal activity. Through my investigative experience I know financial data which is or may be of evidentiary value is available from retail corporations such as Walmart. Such information is often of assistance in investigating all nature of criminal activity, including violations of Title 18, USC, Section 2113(a) - Bank Robbery and 924(c)(1)(A) - Using, Carrying and Brandishing a Firearm During and in Relation to a Crime of Violence.

3. The statements in this affidavit are based in part on information provided by law enforcement officers assigned to other law enforcement agencies, other Special Agents and employees of the FBI, and on my experience and background as a law enforcement officer of the FBI. Since this affidavit is being submitted for the limited purpose of securing a warrant from the Court, your Affiant has not included each and every fact known to me concerning this investigation. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. The United States is investigating the armed bank robbery of the Goldenwest Credit Union, 131 West 200 North, Kaysville, Utah, on February 11, 2017, and the armed bank robbery of the Utah First Credit Union, 1173 N. Shepard Creek Parkway, Farmington, Utah, on March 29, 2017. The investigation concerns possible violations of 18 U.S.C. 2113(a) - Bank Robbery and

924(c)(1)(A) - Using, Carrying and Brandishing a Firearm During and in Relation to a Crime of Violence.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to search the information described in Attachment A for evidence of armed bank robbery, as further described in Attachment B.

JURISDICTION

6. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” [18 U.S.C. § 2711(3)(A)(i).]

PROBABLE CAUSE

7. On Saturday, February 11, 2017, at approximately 8:26 AM, officers with the Kaysville Police Department, Kaysville, Utah, were dispatched to the Goldenwest Credit Union (GWCU), located at 131 West 200 North, Kaysville, Utah, on report of a bank robbery. Upon their arrival, officers learned that at approximately 8:24 AM, two bank employees had arrived and entered the bank at a west-side door. As they entered the bank and the door was nearly shut, an unknown male entered the bank through the same door and confronted them at gun point. The bank employees described the handgun as being small and black. The male's face was completely concealed and he was wearing clothing which covered his entire body.

8. At gun point, the male instructed the two employees to proceed to the bank vault. They complied with his command. He then instructed them to empty the contents of the vault into

a backpack type of bag he supplied to them. They again complied with his demands, placing into the backpack a substantial amount of U.S. currency which was in the care and custody of the bank. When the bank employees had completed emptying the vault, the suspect took the backpack and exited the bank through the same side door through which he had entered. He then fled the immediate area of the bank on foot.

9. On Wednesday, March 29, 2017, at approximately 8:03 AM, officers with the Farmington Police Department, located in Farmington, Utah, were dispatched to the Utah First Credit Union (UFCU), 1173 N. Shepard Creek Parkway, Farmington, Utah on report of a bank robbery. Upon their arrival officers learned that at approximately 7:40 AM a bank employee with initials SI arrived at work. As she made her way into the building she was confronted at gun point by a male who had been hiding in the bushes near the side door. The male's face was concealed and he was wearing clothing which covered his entire body. SI described the handgun as being small and black.

10. The suspect forced SI inside the bank and into the vault. SI told the suspect that, due to a time-based locking system, she would be unable to access the vault for another 15 minutes, and that even after that time she would need a second person with proper access rights. The suspect told SI that he would wait until both conditions were satisfied. The suspect ordered SI to wait just outside the vault. She was instructed to surrender her phone and sit in silence while they waited.

11. At approximately 8:00 AM, UFCU employee with initials KM arrived and entered the bank. She was immediately confronted by the suspect (also at gun point). KM did not have the rights to access the vault, and she so informed the suspect. The suspect abandoned his initial plan to access the vault and instead instructed both SI and KM to open their cash drawers and empty the drawers' contents into a bag. SI and KM complied, surrendering a substantial amount of U.S.

currency which was in the care and custody of the bank. Among the bundles of currency were two dye packs – both set to detonate upon exit from the bank building.

12. The suspect fled the bank northbound on foot. A short time later the dye packs were activated and released a significant amount of red dye. The detonation apparently startled the suspect because he dropped and abandoned (a) the bag which contained the stolen currency, and (b) the firearm he had used to carry out the robbery. The bag, currency and firearm were located and recovered shortly after police arrival. The items were covered with the red dye from the aforementioned dye packs. The suspect's gun was identified as a RUGER LC9, S/N: 452-39973, which is a small, black handgun.

13. On March 29, 2017, a Bureau of Alcohol, Tobacco and Firearms (ATF) Special Agent (SA) queried the suspect handgun's serial number through the eTrace database. The results indicated that the Ruger handgun had been recently purchased by Kevin RASBAND from CABELA'S, 391 N. Cabela's Drive, Farmington, Utah. Investigation at CABELA's confirmed RASBAND as the purchaser, and revealed he purchased the handgun on February 8, 2017.

14. On March 29, 2017, an FBI Task Force Officer (TFO) queried the Utah Criminal Justice Information System (UCJIS) database for RASBAND's driver's license and motor vehicle information. He discovered RASBAND's listed address showed to 3163 N. Whitetail Drive, Layton, Utah.

15. On March 29, 2017, law enforcement officers and agents responded to RASBAND's listed address of 3163 N. Whitetail Drive, Layton, Utah, where they contacted Kirsten RASBAND (KIRSTEN), who confirmed she was Kevin RASBAND's spouse and that they resided together. She advised RASBAND was not at the residence because he was at work.

The agents told KIRSTEN about the earlier bank robbery, and that a firearm previously purchased by RASBAND had been recovered from the scene.

16. KIRSTEN seemed surprised and acknowledged she had been trying to contact him via text messages and telephone calls all day. She advised that RASBAND left their residence a little before 7:00 AM that morning, somewhat earlier than usual, stating he had to be to work early because he had an important meeting with both the sheriff and auditing clerk of Davis County, Utah.

17. KIRSTEN tried to call RASBAND at the request of law enforcement officers. The phone rang, but RASBAND did not answer. KIRSTEN told investigators that her inability to reach RASBAND was out of the ordinary. At the time investigators spoke with KIRSTEN on the afternoon of March 29th, 2017, they had already learned that RASBAND had been terminated from his employment as an auditor at Davis County government as of January 2017. They informed KIRSTEN of RASBAND's termination and current employment status, i.e., he was unemployed. KIRSTEN advised she was unaware of the employment circumstance as RASBAND had been going to work every morning since his apparent termination, then regularly arrived home at about 5:30 PM, as if he was coming home from work.

18. Investigation during the remainder of March 29, 2017, determined RASBAND fled to Las Vegas, NV, but would return to Utah that night. Upon his return to Utah he was interviewed by law enforcement officers and, pursuant to a search warrant issued by the State of Utah, the rental vehicle he had been driving on March 29, 2017, was searched for physical evidence of the bank robbery. That search located, among other things, a Walmart receipt from the Walmart store located at 949 West Grassland Drive, American Fork, UT 84003. The time and date stamp on the receipt was 10:19:30, 03/29/2017.

19. Investigators have obtained and reviewed financial records from RASBAND's multiple bank accounts. A review of debit and credit card transactions indicates RASBAND purchased unknown items from Walmart stores on at least six different occasions in the two weeks preceding the February 11, 2017 bank robbery, and he purchased unknown items from a Walmart on at least four different occasions in the 10 days preceding the March 29, 2017 bank robbery. All of the referenced Walmart stores, with the exception of the American Fork Walmart, are located in Davis County, UT.

20. A witness who has spoken to one or more members of RASBAND's extended family since the robberies reports at least one of the family members has told him/her that RASBAND purchased all new clothing before he robbed the banks.

21. Review of bank surveillance video notes the suspect in both of the robberies is dressed similarly and moves with very similar mannerisms and postures. In each robbery the suspect appears to be wearing a dark-colored hoodie; a baseball cap underneath the hood; sunglasses; a face-covering material, possibly a handkerchief-type material; dark gloves with white on the wrist-area of the gloves; dark pants; and dark shoes with white soles. During the UFCU robbery on March 29, 2017, the suspect's dark pants also had white stripes down at least part of the outside of the legs, indicating they are possibly an athletic type of pants. However, while the clothing is very similar in style and appearance, it does appear that the clothing in each of the robberies is not exactly the same, suggesting RASBAND may have purchased separate sets of clothing, probably on separate occasions, to disguise his appearance in each of the different robberies.

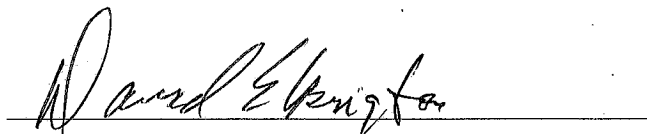
22. On May 3, 2017, a federal grand jury for the District of Utah returned an indictment on RASBAND charging him with the robbery of both credit unions and the

brandishing of a firearm during each robbery. RASBAND was arrested by FBI agents on May 5, 2017, at his in-laws residence in Syracuse, UT. He is currently detained at the Weber County Jail, Ogden, UT.

CONCLUSION

23. Based on the forgoing, I request that the Court issue a search warrant to obtain specific information from the Walmart Corporation related to the items purchased at Walmart stores by RASBAND during the timeframe surrounding his involvement in the aforementioned bank robberies, namely from December 1, 2016 through March 29, 2017. Because the warrant will be served on the Walmart Corporation, which will then compile the requested records at a time convenient to it, there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.

Respectfully submitted,



DAVID C. ELKINGTON, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on 29th, 2017



DUSTIN B. PEARD
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

Retail sales records and information from the Walmart Corporation associated with the purchase of items at any Walmart store wherein the following credit and/or debit card numbers were utilized:

- 4758 2425 2601 5163
- 4337 9331 2601 5161
- 4758 2402 6910 0838

Time frame to be searched:

December 1, 2016 through March 29, 2017.

ATTACHMENT B

Particular Things to be Seized

All available information concerning items which were purchased using the credit and/or debit card numbers listed in Attachment A, including but not limited to:

- Detailed listings of the items purchased, including brand names of any clothing items;
- Copies of transaction receipts;
- Physical descriptions of the items purchased;
- Identifying SKU and/or other inventory identification and/or reference numbers for each item;
- Representative images, photographs and/or other images which accurately represent the likeness and/or appearance of items of clothing, including but not limited to hoodies, sweatshirts, jackets and coats, athletic wear, sunglasses and/or goggles of any type, handkerchiefs, gloves of any type, shoes, pants and slacks, shirts, baseball and other types of caps or hats;
- Any surveillance video or photographs of the transactions which may still be available;
- The Walmart location, including physical address, where each item was purchased, as well as the dates and times of each purchase;
- Any other information related to the specific items purchased which may not be listed above.